

**REMARKS**

**INTRODUCTION:**

The Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 43-48 are pending and under consideration. Claims 43, 44, and 46 are the independent claims.

Claims 43-48 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Komiya (U.S. Patent No. 5,264,890).

The Abstract has been amended to more closely conform with USPTO patent practice as suggested by the Examiner on page 2 of the pending Office Action.

No new matter is being presented, approval and entry of the forgoing amendments is respectfully requested.

**REJECTION UNDER 35 U.S.C. §102(b):**

On pages 2-6 of the Office Action, the Examiner rejects claims 43-48 under 35 U.S.C. § 102(b) as being anticipated by Komiya (U.S. Patent No. 5,264,890). The Applicants respectfully traverse the rejection and request reconsideration.

On page 3 of the Office Action, the Examiner cites col. 3, lines 56-68, of Komiya as disclosing, "a plurality of focusing estimating devices for creating focusing data for focusing an image formed on a predetermined plane through said photographing optical system" as recited in claim 43 of the present invention. The Applicants respectfully submit, however, that Komiya does not disclose nor suggest such a feature, and in particular, that col. 3, lines 56-68, of Komiya does not recite such a feature.

While Komiya may disclose auto focusing, it does not disclose nor suggest performing auto focusing using a plurality of focus estimating devices. Komiya also fails to disclose auto focusing based on selecting from among a plurality of focus estimating devices as recited in claim 43 of the present invention. Furthermore, Komiya does not disclose correcting focusing data created by the focus estimating devices. As shown in Figure 1 of the citation, Komiya merely discloses estimating the focus by obtaining a defocus amount D (41) from the outputs of the line sensors (31a, 31b) which have different optical paths to drive the lens (25). More

specifically, Komiya discloses only auto focusing using image deviation.

For at least the above reasons, claim 43 of the present invention is patentably distinct over Komiya, and accordingly, the Applicants respectfully request reconsideration and allowance of the claim.

With regard to claim 44 of the present invention, Komiya does not disclose or suggest the first and second focus estimating portions recited in claim 44. Komiya also fails to disclose "a selecting portion for selecting at least one of said first focusing estimating portion and said second focusing estimating portion" as recited in claim 44. Komiya further fails to disclose or suggest correcting a deviation of the focusing estimation values as recited in claim 44. The Applicants respectfully note that the Examiner fails to cite Komiya as disclosing or suggesting any of the above mentioned features in the pending Office Action.

For at least the above reasons, claim 44 of the present invention is patentably distinct over Komiya, and accordingly, the Applicants respectfully request reconsideration and allowance of the claim.

Claim 45 of the present invention depends from claim 44 and is therefore patentably distinct over Komiya for at least those reasons detailed above as well as for the additional features claim 45 recites.

On page 4 of the Office Action, the Examiner rejects claim 46. Claim 46 of the present invention recites a first focusing estimating portion which outputs focusing information on the basis of a frequency level and a second focusing estimating portion which detects imaging positional deviation to output the focusing information. The Applicants respectfully submit that Komiya fails to disclose or suggest a plurality of focus estimating portions having the structural features recited in claim 46 of the present invention. More specifically, the Applicants respectfully submit that col. 9, lines 53-61, and col. 10, lines 1-11, do not disclose the features recited in claim 46. Furthermore, the Applicants submit that Items 31a and 31b of Figure 1 of Komiya do not recite the claimed features.

The Applicants further submit that the Examiner's assertion that Komiya's use of frequency anticipates the features recited in claim 46 is inconsistent with the disclosure of Komiya. Specifically, even though Komiya extracts a given frequency component from the outputs of the line sensors (31a, 31b) while obtaining a defocus amount and a correction table relating to the difference of optical path lengths is referred to, these operations are combined together to output only a single focus estimation value.

For at least the above reasons, claim 46 of the present invention is patentably distinct over Komiya, and accordingly, the Applicants respectfully request reconsideration and allowance of the claim.

Claims 47 and 48 of the present invention depend from claim 46 and are therefore patentably distinct over Komiya for at least the same reasons as their base claim as well as for the additional features claims 47 and 48 recite.

CONCLUSION:

In accordance with the foregoing, the Abstract has been amended. Claims 43-48 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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